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15 Attorneys for Defendant  
16 DROPCAM, INC.

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19  
20 E.DIGITAL CORPORATION, ) CASE NO.: 3:14-cv-04922-JST  
21 Plaintiff, )  
21 v. ) **AMENDED JOINT CLAIM  
22 CONSTRUCTION AND  
PRE-HEARING STATEMENT  
(PATENT L.R. 4-3)**  
23 DROPCAM, INC., )  
24 Defendant. ) Judge: Honorable Jon S. Tigar  
24 ) Ctrm: 9  
25 ) Hearing: August 3, 2015  
25 ) Time: 2:00 p.m.  
26 )  
27  
28

1 Pursuant to Local Patent Rule 4-3 and the Court's February 5, 2015, Scheduling Order  
2 ("Scheduling Order") (Doc. No. 43), and the Court's July 31, 2015, Order Granting Leave To  
3 File Amended Joint Claim Construction Statement (Doc. No. 70), Plaintiff e.Digital Corporation  
4 ("Plaintiff" or "e.Digital") and Defendant Dropcam, Inc. ("Defendant" or "Dropcam") provide  
5 the following Amended Joint Claim Construction and Pre-Hearing Statement in the above-  
6 entitled matter for U.S. Patent Nos. 8,306,514 ("the '514 patent"); 8,311,522 ("the '522 patent");  
7 8,311,523 ("the '523 patent"); 8,311,524 ("the '524 patent"); 8,315,618 ("the '618 patent"); and  
8 8,315,619 ("the '619 patent") (collectively, the "Asserted Patents").

9 **I. Agreed Upon Claim Constructions**

10 The parties have agreed upon the following constructions for each of the claim terms and  
11 phrases listed below.

<b>Claim Term or Phrase</b>	<b>Agreed Upon Construction</b>
"being selectable to provide"	"capable of being selected to provide"
"environment of the communication device"	"surroundings of the communication device within the detectable area of the communication device"
"social template"	"data structure associated with a social hierarchy and one or more social signatures"
"unique social signature"	"social signature associated with a specific social template at the time of processing"
"optical sensor"	plain and ordinary meaning
"accurate"	"capable of desired processing"

20 **II. Disputed Claim Constructions and Identification of Intrinsic and Extrinsic Evidence**

21 The parties dispute the proper construction of certain claim terms. Below, Plaintiff and  
22 Defendant set forth each of the disputed claim terms, each party's proposed construction of each  
23 disputed term, together with an identification of all references from the specification or  
24 prosecution history that support that construction, and an identification of any extrinsic evidence  
25 known to the party on which it intends to rely either to support its proposed construction or to  
26 oppose any other party's proposed construction.

1 2 3	Claim Term or Phrase	Plaintiff's Proposed Construction and Supporting Evidence	Defendant's Proposed Construction and Supporting Evidence
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	1. "social signature"	<p>"raw or processed data and/or other information based on sensors"</p> <p><b>Intrinsic Evidence:</b></p> <p><b>Specifications</b><sup>1</sup></p> <p><i>Figures:</i> 1, 2, 3</p> <p><i>'522 Specification:</i> Abstract; 1:29-58; 2:5-30; 2:66-3:7; 3:19-60; 4:14-29; 4:65-5:6; 5:19-6:3; 6:19-24; 7:4-65; 9:5-11:6; 11:16-14:34; 14:46-53; 15:29-57; 16:14-26; 17:51-18:18; 18:22-24; 18:44-19:33; 21:15-44; 22:41-67</p> <p><b>Claims</b></p> <p><i>'522 patent:</i> 1, 2, 5, 8, 9, 13, 15, 17, 18, 22, 24</p> <p><i>'514 patent:</i> 1, 5, 7, 8, 10, 14, 18, 21, 24, 25, 26, 30, 34, 36</p> <p><i>'523 patent:</i> 1, 2, 4, 10, 11, 17, 19, 20, 21, 26</p> <p><i>'524 patent:</i> 1, 2, 3, 4, 5, 10, 15, 16, 17</p> <p><i>'618 patent:</i> 1, 2, 6, 7, 11, 13, 15, 16, 20, 22, 23, 24</p> <p><i>'619 patent:</i> 1, 2, 4, 10, 11,</p>	<p>"combination of sensor data indicative of a type of activity"</p> <p><b>Intrinsic Evidence:</b></p> <p><b>Specification</b><sup>2</sup></p> <p><i>Figures:</i> 1, 2, 3</p> <p><i>'618 Specification:</i> 9:23-29, 14:31-41, 14:63-66, 15:38-45, 15:45-51, 15:52-55, 16:15-24, 17:30-36, 18:54-60, Tables 1 and 2.</p> <p><b>Claims</b></p> <p><i>'514 patent:</i> 1, 5, 7, 8, 10, 14, 18, 21, 24, 25, 26, 30, 34, and 36.</p> <p><i>'522 patent:</i> 1, 2, 5, 8, 9, 13, 15, 17, 18, 22, and 24.</p> <p><i>'523 patent:</i> 1, 2, 4, 10, 11, 17, 19, 20, 21, and 26.</p> <p><i>'524 patent:</i> 1, 2, 3, 4, 5, 10, 15, 16, and 17.</p> <p><i>'618 patent:</i> 1, 2, 6, 7, 11, 13, 15, 16, 20, 22, 23, and 24.</p> <p><i>'619 patent:</i> 1, 2, 4, 10, 11, 17, 19, 20, 21, 26, 29, 30, and</p>

1 The specifications of each of the Asserted Patents contain word-for-word identical disclosures. For the sake of brevity and efficiency, Plaintiff cites specifically herein to the specification of the parent '522 patent. However, Plaintiff represents and hereby notifies the Court and Defendant that Plaintiff intends to rely on the exact same disclosures contained in the '514 patent, '523 patent, '524 patent, '618 patent and '619 patent, which specifications, again, contain exactly the same disclosures as the specification of the '522 patent.

2 All supporting patent citations identified by Defendant Dropcam herein reference the specification of U.S. Patent No. 8,315,618. Dropcam reserves the right to rely upon corresponding disclosures contained in the specifications of each of the Asserted Patents. Dropcam similarly reserves the right to rely upon disclosures contained in the prosecution histories of each of the Asserted Patents corresponding to the citations identified herein.

	<p>17, 19, 20, 21, 26, 29, 30, 31</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p><i>The American Heritage Dictionary</i> (Fifth Ed. 2012) (hereinafter referred to as “AHD”) at pp. 217 (“data”), 435 (“information”)</p> <p><i>Barron’s Dictionary of Computer and Internet Terms</i> (Eleventh Ed. 2013) (hereinafter referred to as “BDCIT”) at p. 124 (“data”)</p> <p>Sworn testimony of the inventor, Patrick Nunally</p>	<p>31.</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Sworn testimony of Dr. Earl Sacerdoti.</p>
<p>10</p> <p>2.</p> <p>“social hierarchy”</p>	<p>“an arrangement of persons, things, information and/or operations in a series of levels”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><b>Specification:</b></p> <p><i>Figures:</i> 3</p> <p>’522 Specification: Abstract; 1:29-47; 1:59-2:4; 2:31-65; 3:24-42; 3:63-4:64; 5:34-59; 6:4-17; 6:36-7:3; 7:38-53; 8:10-34; 11:1-6; 14:4-45; 15:4-17:24; 17:44-50; 18:22-36; 20:13-21:44; 22:41-67</p> <p><b>Claims</b></p> <p>’522 patent: 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, 26</p> <p>’514 patent: 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 20, 21, 26, 30, 34, 36</p> <p>’523 patent: 1, 3, 5, 6, 7, 8, 9, 19, 22</p> <p>’524 patent: 1, 5, 6</p> <p>’618 patent: 1, 3, 6, 9, 10, 15, 17, 20, 22</p> <p>’619 patent: 1, 3, 5, 6, 7, 8, 9,</p>	<p>“ordered ranking of social groups defined within each social template”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><b>Specification:</b></p> <p><i>Figures:</i> 1, 2, 3</p> <p>’618 Specification: 4:17-23, 6:12-21, 14:44-50, 15:13-16, 15:18-31, 15:45-51, 16:28-51, 17:4-12, 17:30-36, 17:13-16, 17:45-51, 18:23-28, and Tables 1 and 2.</p> <p><b>Claims</b></p> <p>’514 patent: 1, 2, 3, 4, 5, 10, 14, 15, 16, 17, 20, 21, 26, 30, 34, and 36.</p> <p>’522 patent: 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, and 26.</p> <p>’523 patent: 1, 3, 5, 6, 7, 8, 9, 19, and 22.</p> <p>’524 patent: 1, 5, and 6.</p> <p>’618 patent: 1, 3, 6, 9, 10, 15, 17, 20, and 22.</p> <p>’619 patent: 1, 3, 5, 6, 7, 8, 9, 19, 22, and 31.</p>

		<p>19, 22, 31</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p><i>AHD</i> at 398 (“hierarchy”)</p> <p>Sworn testimony of the inventor, Patrick Nunnelly</p>	<p><b>File History</b></p> <p>U.S. Patent &amp; Trademark Office Prosecution Proceeding No. 13/047,163 for U.S. Patent No. 8,315,618 - Applicant Arguments/Remarks Made in an Amendment at pp. 3-5, March 16, 2012.</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p><i>Chambers Concise Dictionary</i> at p. 562 [DROPCAM_EDTL 00001055].</p> <p>Sworn testimony of Dr. Earl Sacerdoti.</p>
11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	3. “sensor value range”	<p>Plain and ordinary meaning or, alternatively, “information representing sensor data above, below or between a value(s)”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><b>Specification</b></p> <p>’522 Specification: 15:43-57; 16:14-26; 22:41-67</p> <p><b>Claims</b></p> <p>’522 patent: 1, 8, 17</p> <p>’514 patent: 1, 5, 10, 14, 21, 26, 30, 34, 36</p> <p>’523 patent: 1, 4, 19, 21</p> <p>’524 patent: 1, 3</p> <p>’618 patent: 1, 6, 15, 20, 22</p> <p>’619 patent: 1, 4, 19, 21, 29</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p><i>AHD</i> at p. 751 (“sensor”)</p> <p><i>MWD</i> at pp. 596 (“range”), 656 (“sensor”), 797-798 (“value”)</p> <p><i>BDCIT</i> at p. 406 (“range”)</p>	<p>“range of measurements between two values”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p><b>Specification</b></p> <p>Figures: 1, 2, 3</p> <p>’618 Specification: 4:24-28, 9:41-46, 11:62-65, 12:6-13, 16:15-24, 19:22-26, 15:38-45, and Tables 1 and 2.</p> <p><b>Claims</b></p> <p>’514 patent: 1, 5, 10, 14, 21, 26, 30, 34, and 36.</p> <p>’522 patent: 1, 8, and 17.</p> <p>’523 patent: 1, 4, 19, and 21.</p> <p>’524 patent: 1 and 3.</p> <p>’618 patent: 1, 6, 15, 20, and 22.</p> <p>’619 patent: 1, 4, 19, 21, and 29.</p> <p><b><u>Extrinsic Evidence:</u></b></p> <p>Sworn testimony of Dr. Earl Sacerdoti.</p>

1		Sworn testimony of the inventor, Patrick Nunally		
2	4.	<p>“information”</p> <p>Plain and ordinary meaning</p> <p><b><u>Intrinsic Evidence:</u></b> <b>Specification</b> <i>Figures:</i> 3   <i>’522 Specification:</i> Abstract; 1:29-47; 1:59-2:4; 2:31-65; 3:24-42; 3:63-4:64; 5:34-59; 6:4-17; 6:36-7:3; 7:38-53; 8:10-34; 11:1-6; 14:4-45; 15:4-17:24; 17:44-50; 18:22-36; 20:13-21:44; 22:41-67   <b>Claims</b>   <i>’522 patent:</i> 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, 26  <i>’514 patent:</i> 14, 18, 20, 21, 22, 23, 24, 25, 26, 30, 34, 36  <i>’523 patent:</i> 1, 3, 10, 19, 22, 23, 24, 25, 26  <i>’524 patent:</i> 1, 2, 3, 10  <i>’618 patent:</i> 1, 3, 6, 9, 15, 16, 20, 22  <i>’619 patent:</i> 1, 2, 3, 5, 10, 19, 22, 23, 24, 25, 26   <b><u>Extrinsic Evidence:</u></b> <i>AHD</i> at p. 435 (“information”) <i>MWD</i> at p. 372 (“information”) Sworn testimony of the inventor, Patrick Nunally</p>	<p>“a report about a single event that results from comparison of sensor data with social templates”</p> <p><b><u>Intrinsic Evidence:</u></b> <b>Specification</b> <i>Figures:</i> 1, 2, 3   <i>’618 Specification:</i> at 1:15-20, 2:40-47, 3:52-55, 4:17-23, 6:12-21, 10:46-49, 11:13-17, 14:32-41, 14:44-50, 14:63-66, 16:24-27, 15:13-16, 15:18-31, 16:28-51, 17:4-12, 17:30-36, 17:13-16, 17:45-51, 18:23-28, 17:45-51, 18:54-60, 18:64-19:4, and Tables 1 and 2.   <b>Claims</b>   <i>’514 patent:</i> 1, 5, 6, 7, 8, 9, 10, 14, 18, 20, 21, 22, 23, 24, 25, 26, 30, 34, and 36.  <i>’522 patent:</i> 1, 2, 3, 4, 8, 9, 11, 12, 17, 18, 19, 23, 25, and 26.  <i>’523 patent:</i> 1, 2, 3, 5, 10, 19, 20, 22, 23, 24, 25, and 26.  <i>’524 patent:</i> 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10.  <i>’618 patent:</i> 1, 2, 3, 6, 7, 9, 10, 15, 16, 17, 20, and 22.  <i>’619 patent:</i> 1, 2, 3, 5, 10, 19, 20, 22, 23, 24, 25, 26, 29, and 30.   <b><u>Extrinsic Evidence:</u></b> Sworn testimony of Dr. Earl Sacerdoti.</p>	
26	5.	“provide/ provides/ providing	Plain and ordinary meaning	“send/sends/sending information in varying levels of granularity”

	<p>1 differing levels of 2 information”</p>	<p><b>Intrinsic Evidence:</b> <b>Specification</b> <i>Figures:</i> 3 <i>'522 Specification:</i> Abstract; 1:29-47; 1:59-2:4; 2:31-65; 3:24-42; 3:63-4:64; 5:34-59; 6:4-17; 6:36-7:3; 7:38-53; 8:10-34; 11:1-6; 14:4-45; 15:4-17:24; 17:44-50; 18:22-36; 20:13-21:44; 22:41-67 <b>Claims</b> <i>'522 patent:</i> 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, 26 <i>'514 patent:</i> 1, 5, 10, 14, 20, 21, 26, 30, 34, 36 <i>'523 patent:</i> 1, 3, 5, 19, 22 <i>'524 patent:</i> 1, 6 <i>'618 patent:</i> 1, 3, 6, 9, 10, 15, 17, 20, 22 <i>'619 patent:</i> 1, 3, 5, 6, 7, 8, 9, 19, 22 <b>Extrinsic Evidence:</b> <i>AHD</i> at pp. 239 (“differ,” “different”), 435 (“information”), 483 (“level”), 671 (“provide”) <i>MWD</i> at pp. 200 (“differ,” “different”), 372 (“information”), 414 (“level”) Sworn testimony of the inventor, Patrick Nunally</p>	<p><b>Intrinsic Evidence:</b> <b>Specification</b> <i>Figures:</i> 1, 2, 3 <i>'618 Specification:</i> at 1:15-20, 2:40-47, 3:52-55, 4:17-23, 6:12-21, 10:46-49, 14:32-41, 14:44-50, 14:55-62, 17:45-51, 18:23-28, 15:13- 16, 15:18-31, 16:28-51, 17:4-12, 17:30-36, 17:13-16, and Tables 1 and 2. <b>Claims</b> <i>'514 patent:</i> 1, 5, 10, 14, 21, 26, 30, 34, and 36. <i>'522 patent:</i> 1, 3, 4, 8, 11, 12, 17, 19, 23, 25, and 26. <i>'523 patent:</i> 1, 3, 5, 19, and 22. <i>'524 patent:</i> 1 and 6. <i>'618 patent:</i> 1, 3, 6, 9, 10, 15, 17, 20, and 22. <i>'619 patent:</i> 1, 3, 5, 6, 7, 8, 9, 19, and 22. <b>Extrinsic Evidence:</b> Sworn testimony of Dr. Earl Sacerdoti.</p>
23 24 25 26 27 28	<p>6. “provided.../ provides/ providing an update”</p>	<p>Plain and ordinary meaning</p> <p><b>Intrinsic Evidence:</b> <b>Specification</b> <i>'522 Specification:</i> Abstract; 1:29-47; 1:59-2:4; 2:31-65; 3:24-42; 3:63-4:64; 5:34-59;</p>	<p>“sent/sends/sending information indicating a user’s status”</p> <p><b>Intrinsic Evidence:</b> <b>Specification</b> <i>Figures:</i> 1, 2, 3 <i>'618 Specification:</i> at 1:15-20, 2:40-47, 3:52-55, 4:17-23,</p>

	<p>6:4-17; 6:36-7:3; 7:38-53; 8:10-34; 11:1-6; 14:4-45; 15:4-17:24; 17:44-50; 18:22- 36; 20:13-21:44; 22:41-67</p> <p><b>Claims</b></p> <p><i>'522 patent</i>: N/A</p> <p><i>'514 patent</i>: 1, 2, 3, 4, 14, 15, 16, 17, 30, 31, 32</p> <p><i>'523 patent</i>: 4, 6, 7, 8, 9, 23, 24, 25</p> <p><i>'524 patent</i>: 7, 8, 9</p> <p><i>'618 patent</i>: N/A</p> <p><i>'619 patent</i>: 6, 7, 8, 9, 23, 24, 25</p> <p><b>Extrinsic Evidence:</b></p> <p><i>AHD</i> at pp. 671 (“provide”), 891 (“update”）</p> <p><i>BDCIT</i> at pp. 316  (“microblogging”), 459  (“social networking site”）</p> <p>Sworn testimony of the inventor, Patrick Nunally</p>	<p>6:12-21, 10:46-49, 14:32-41, 14:44-50, 14:55-62, 17:45-51, 18:23-28, 15:13-16, 15:18-31, 16:28-51, 17:4-12, 17:30-36, 17:13-16, 20:42-50, 20:53- 21:3, and Tables 1 and 2.</p> <p><b>Claims</b></p> <p><i>'514 patent</i>: 3, 4, 16, 17, 30, and 32.</p> <p><i>'523 patent</i>: 8, 23, and 25.</p> <p><i>'524 patent</i>: 7 and 9.</p> <p><i>'619 patent</i>: 6, 7, 8, 9, 23, 24, and 25.</p> <p><b>File History</b></p> <p>U.S. Patent &amp; Trademark Office Prosecution Proceeding No. 13/047,206 for U.S. Patent No. 8,306,514 – Applicant Arguments/Remarks Made in an Amendment at pp. 14-16, March 22, 2012.</p> <p><b>Extrinsic Evidence:</b></p> <p><i>Dictionary of Computer and Internet Terms</i>, at pp. 309, 443 [DROPCAM_EDTL_000010 39-00001040].</p> <p>Sworn testimony of Dr. Earl Sacerdoti.</p>
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22 **III. Identification of Significant Claim Terms**

23 The parties hereby identify the following terms, in no particular order, whose  
24 construction will be most significant to the resolution of this case:

25 1. “social signature”

26 2. “social hierarchy”

27 3. “sensor value range”

28

1 4. “information”

2 5. “provide/ provides/ providing differing levels of information”

3 6. “provided.../ provides/ providing an update”

4 Plaintiff, e.Digital, does not believe construction of any of the above terms will be case or

5 claim dispositive at this time.

**IV. Anticipated Length of Time Necessary for Claim Construction Hearing**

7 The parties anticipate they will need three (3) hours for the Claim Construction Hearing.

## 8 | V. Witnesses

9 Neither party intends to call witnesses at the Claim Construction Hearing.

## HANDAL & ASSOCIATES

11 || Dated: July 31, 2015

By: /s/ Gabriel G. Hedrick  
Anton N. Handal  
Pamela C. Chalk  
Gabriel G. Hedrick  
Attorneys for Plaintiff  
e.Digital Corporation

15 || Dated: July 31, 2015

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Stefani E. Shanberg  
Stefani E. Shanberg  
Attorneys for Defendant  
DROPCAM, INC.

## ATTESTATION CLAUSE

2 I, Madeleine E. Greene, am the ECF User whose identification and password are being  
3 used to file this Joint Claim Construction and Pre-Hearing Statement. In compliance with Civil  
4 Local Rule 5-1(i)(3), I hereby attest that Pamela Chalk of Handal & Associates has concurred in  
5 this filing.

7 || Dated: July 31, 2015

WILSON SONSINI GOODRICH & ROSATI  
Professional Corporation

By: /s/ Madeleine E. Greene  
Madeleine E. Greene

Attorneys for Defendant  
DROPCAM, INC.

## **CERTIFICATE OF SERVICE**

2 I hereby certify that on July 31, 2015, I electronically filed the foregoing with the Clerk  
3 of the court using the CM/ECF system which will send notification of such filing to counsel of  
4 record.

By: /s/ Madeleine E. Greene  
Madeleine E. Greene